

FILED
DISTRICT COURT OF GUAM
APR 02 2002
MARY L. M. MORAN
CLERK OF COURT

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Egananswer

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IN THE UNITED STATES DISTRICT COURT
FOR THE TERRITORY OF GUAM

MICHAEL EGAN and BRIAN EGAN, a minor,
by and through His Guardian Ad Litem, MICHAEL
EGAN,

Plaintiffs,

vs.

UNITED STATES OF AMERICA,

Defendant.

CIVIL CASE NO. 02-00007

ANSWER OF THE UNITED
STATES

THE UNITED STATES, Defendant herein, submits its Answer to the Complaint as follows:

1. This is a legal conclusion that does not require a response, to the extent it does require a response, DENIES.

2. ADMITS that the plaintiffs submitted two claims to the Air Force; DENIES all other averments in this paragraph.

3. Defendant is without sufficient information to answer at this time, and therefore DENIES.

1 4. DENIES.

2 5. DENIES.

3 6. DENIES.

4 7. ADMITS that on November 9, 2000, at approximately 10:00 p.m., a vehicle driven by
5 Michael Egan with Brian Egan as front-seat passenger collided with an Air Force-owned vehicle
6 driven by Marcus A. Colon; DENIES the remainder of this paragraph.
7

8 8. Defendant restates its responses to paragraphs 1 through 7 above.

9 9. ADMITS, except that the license plate number was 99B-149.

10 10. DENIES.

11 11. DENIES.

12 12. DENIES.

13 13. DENIES.

14 14. DENIES.

15 16. DENIES. (Plaintiffs' Complaint does not contain a paragraph 15)

16
17 **AFFIRMATIVE DEFENSES**

18 17. The Complaint fails to state a claim against the United States upon which relief can
19 be granted.

20 18. If Plaintiff suffered injuries as alleged in Plaintiff's Complaint, such injuries were
21 caused wholly or in part by Plaintiff's own negligence. Plaintiff's act or omissions was the
22 proximate cause of Plaintiff's injuries as alleged.

23 19. Plaintiff's alleged injuries were not caused in whole or in part by Defendant but were
24 the proximate cause of actions or omissions of an unknown third party.
25

26 **RELIEF**

27 20. Defendant requests that judgment be entered for Defendant and against Plaintiff.
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1 21. Defendant request costs and attorneys' fees.

2 22. Defendant requests such other and further relief as the Court deems proper.

3 RESPECTFULLY submitted this 2nd day of April 2002.

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FREDERICK A. BLACK
United States Attorney
Districts of Guam and NMI

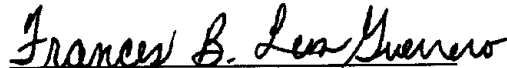
BY: _____

MIKEL W. SCHWAB
Assistant U.S. Attorney

CERTIFICATE OF SERVICE

I, FRANCES B. LEON GUERRERO, Legal Secretary, working in the U.S. Attorney's Office, in the District of Guam, hereby certify that on 2nd day of April, 2002, I caused to be served by personal service a copy of "Answer of the United States", in Civil Case No. 02-00007 to:

William L. Gavras, Esq.
Gorman & Gavras
118-A Chalan Santo Papa
Hagatna, Guam 96910


FRANCES B. LEON-GUERRERO
Legal Secretary